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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 WELLS FARGO BANK, N.A.,

No. C 12-5634 SI

9 Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND
REMANDING THE ACTION TO
ALAMEDA COUNTY SUPERIOR
COURT**

10 v.

11 ROBERT THOMPSON, et al.,

12 Defendants.
13 _____/

14 Now before the Court is plaintiff Well Fargo Bank, N.A.'s motion to remand this action to
15 Alameda County Superior Court. Defendants have not opposed the motion, requested an extension of
16 time, or otherwise contacted the Court. Pursuant to Civil Local Rule 7-1(b), the Court determines that
17 the matter is appropriate for resolution without oral argument, and VACATES the hearing scheduled
18 for February 22, 2013.

19 On August 24, 2012, plaintiff filed an action in Alameda County Superior Court against
20 defendants Robert Thompson and Virginia Thompson for unlawful detainer. Defendants removed the
21 case to this Court on November 2, 2012, and plaintiff moved to remand the action on December 18,
22 2012. On January 11, 2013, Chief Magistrate Judge Elizabeth Laporte filed a Report and
23 Recommendation recommending that the Court grant plaintiff's motion to remand. The Report and
24 Recommendation was served on defendants by mail. Defendants made no objections to the Report and
25 Recommendation by the January 25, 2013 deadline, or thereafter.

26 Lacking both parties' consent to proceed before a magistrate judge, the case was reassigned here
27 and on January 14, 2013, plaintiff again filed a motion to remand. The Court has reviewed the Report
28 and Recommendation, the complaint, and the motion to remand, and concludes that the case should be

1 remanded because this Court lacks jurisdiction as set forth in the Report and Recommendation.

2 Accordingly, the Court ADOPTS the Report and Recommendation and REMANDS the case to
3 the Alameda County Superior Court.

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5 **IT IS SO ORDERED.**

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7 Dated: February 20 , 2013



SUSAN ILLSTON
United States District Judge